

CUTLER
36281-042103



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***APRIL 21, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (All present)

The Invocation was delivered by The Reverend Rod Barnett, Coordinator, Counseling and Follow-up, Billy Graham Evangelistic Association.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Wednesday, April 23, 2003, at 7:00 p.m., and Sunday, April 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS: NONE.

**The Mayor introduced Michel Francois, Mayor, Village of Lessy,
Province of Lorraine, France.**

File #80

3. CONSENT AGENDA

(APPROVED 7-0)

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE
CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY
COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE
WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF
DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM
THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the joint meeting of Council and the Roanoke County Board of Supervisors held on Thursday, February 27, 2003; and the regular meeting of Council held on Monday, March 3, 2003, and recessed until Friday, March 7, 2003.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #110-132

- C-3 A communication from Marion Vaughn-Howard, Program Manager, Office on Youth, advising of the resignation of Thomas Winn as a member of the Youth Services Citizen Board.

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

File #15-110-304

- C-4 A report of qualification of Jim Hale as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2006.

RECOMMENDED ACTION: Receive and file.

File #15-67-110

- C-5 A communication from Council Member William D. Bestpitch requesting that Council convene in a Closed Meeting to discuss investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711 (A)(6), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #60-110-132-175

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Roanoke Valley Cable Television Committee transmitting the Roanoke Valley Cable Television annual budget for fiscal year 2003-04. Alfred T. Dowe, Jr., City Council Representative to the Roanoke Valley Regional Cable Television Committee.

Adopted Resolution No. 36281-042103. (7-0)

File #60-448

- b. A petition from Steven S. Strauss to vacate right-of-way on Franklin Road, S. W., adjoining Official Tax No. 1300101. (Sponsored by Mayor Ralph K. Smith and Council Member Linda F. Wyatt)

The petition was referred to the City Planning Commission for study, report and recommendation to Council.

File #166-514

- c. A communication from John R. Hubbard, Chief Executive Officer, Roanoke Valley Resource Authority, transmitting the Annual Budget for Fiscal Year 2003-04. (Sponsored by the City Manager)

Adopted Resolution No. 36282-042103. (7-0)

File #60-253

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

- 1. City of Roanoke Fiscal Year 2003-04 Recommended General Fund Budget. (15 minutes)

Received and filed.

File #60

2. White Buffalo, Inc. (10 minutes)

The City Manager was instructed to proceed with a deer reduction program and to submit a detailed plan of action for approval by Council.

File #54

3. Urban Forestry. (10 minutes)

Received and filed.

File #240

ITEMS RECOMMENDED FOR ACTION:

4. A communication recommending that Special Meetings of Council be held on Thursday, May 1, 2003, at 7:00 p.m., at the Roanoke Civic Center, Exhibit Hall; and Monday, May 12, 2003, at 9:00 a.m., in the City Council Chamber.

Adopted Resolution No. 36283-042103. (7-0)

File #60-132

5. A communication recommending acceptance of the donation of a .6 acre parcel of land located at the corner of Shenandoah Avenue and Westside Boulevard, N. W., from the Stevens Farm Trust.

Adopted Resolution No. 36284-042103. (7-0)

File #68-166

6. A communication recommending appropriation of funds in connection with the Forfeited Asset Sharing Program.

Adopted Budget Ordinance No. 36285-042103. (7-0)

File #5-60-76

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of \$1,558,495.00 in Capital Maintenance and Equipment Replacement Program funds for replacement and/or purchase of school equipment; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Budget Ordinance No. 36286-042103. (7-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

As a result of the Council's closed session which was held earlier in the day, the Mayor announced that it was the unanimous consensus of the Council that Beverly T. Fitzpatrick, Jr., will be appointed in the near future to fill the unexpired term of William H. Carder, ending June 30, 2004, and Mr. Fitzpatrick is expected to join the Council at its regular meeting on Monday, May 19, 2003.
File #132

The Mayor displayed an Easter greeting card from former Council Member and Mrs. Robert A. Garland which contained a photograph of the Garland family in 1953. He expressed appreciation to Mr. and Mrs. Garland, and extended belated Easter greetings to all citizens of the City of Roanoke.
File #80

- b. Vacancies on certain Council-Appointed authorities, boards, commissions and committees.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. David Gresham, 5260 Cross Bow Circle, Roanoke County, expressed concern with regard to debris and debris in trees along the Roanoke River, which is an eye sore in an area that serves as a community focal point.

File #144

Mr. Chris Craft, 1560 East Gate Avenue, N. E., encouraged Council Members and citizens of Roanoke to attend the Franklin Graham, Southwest Virginia Festival, to be held on May 2 - 4 at the Salem Stadium.

File #122-317

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., commended the Members of Council upon its impending selection of Beverly T. Fitzpatrick, Jr., to fill the unexpired term of Council Member William H. Carder.

File #80-132

He called attention to parked vehicles on the grounds of Jackson Park, and requested that the City Manager address the matter before further damage is done to ground cover and historic trees.

File #66-67-240

12. CITY MANAGER COMMENTS:

The City Manager presented copy of the *Roanoke Citizen Magazine* which will be delivered to the homes of citizens of Roanoke, and advised that it is an important edition in terms of detailing Roanoke's excellence as a community.

File #175-227

At 5:20 p.m., the meeting was declared in recess for two closed sessions.

CERTIFICATION OF CLOSED MEETING. (4-0)

Vickie L. Price was appointed to the Roanoke Valley Juvenile Detention Center Commission, to fill the unexpired term of Glenn D. Radcliffe, resigned, ending June 30, 2006.

File #15-110-305

AT 6:05 P.M., THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***APRIL 21, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (All present)

The Invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The meeting was televised live by RVTv Channel 3 to be replayed on Wednesday, April 23, 2003, at 7:00 p.m., and Sunday, April 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

1. **Shining Star Awards were presented to Ms. Vicki Wert and Mr. Allen Gleiner.
File #80**
2. **Proclamation declaring the month of May 2003 as Bike Month.
File #3-442**

B. PUBLIC HEARINGS:

1. **Public hearing regarding appointment of three Trustees to the Roanoke City School Board for three year terms of office, commencing July 1, 2003 and ending June 30, 2006. Candidates are:**

Dennis Binns
F. B. Webster Day
Tiffany M. Johnson
Gloria P. Manns
Kathy G. Stockburger
David B. Trinkle

**All comments were received and filed.
File #467**

2. **Public hearing on the request of the YMCA of Roanoke Valley, Inc., that a ten foot wide alley extending in a westerly direction for 110 feet, more or less, from 5th Street, S. W., lying between parcels of land identified as Official Tax Nos. 1113417 - 1113419, inclusive, and 1113422 - 1113425, inclusive, be permanently vacated, discontinued and closed. Daniel F. Layman, Jr., Attorney.**

**Adopted Ordinance No. 36287-042103. (7-0.)
File #514**

3. Public hearing with regard to a proposed conveyance of City-owned property located at 540 Church Avenue, S. W., identified as Official Tax No. 1113414, to the YMCA of Roanoke Valley, Inc., upon certain terms and conditions. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36288-042103. (7-0.)
File #166

4. Public hearing with regard to an amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Urban Forestry Plan. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36289-042103. (7-0.)
File #240

5. Public hearing with regard to a proposed six-month extension of the Cable Television Franchise Agreement with CoxCom, Inc., d/b/a Cox Communications Roanoke. Alfred T. Dowe, Jr., City Representative, Roanoke Valley Regional Cable Television Committee; and Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36290-042103. (7-0.)
File #448

6. Public hearing with regard to amendment to Section 36.1-690, General authority and procedure, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for reconsideration by Council of a petition to rezone pursuant to Rule 10, Section 2-15, Rules of procedure. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36291-042103. (7-0.)
File #24-51

7. Public hearing with regard to a proposal to vacate a sanitary sewer easement across property located on Hidden Oak Road, S. W., identified as Official Tax Nos. 5050220 - 5050222, inclusive, upon request of the property owners, in order to facilitate development of the property. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36292-042103. (7-0.)
File #27-28

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed Council on behalf of senior citizens who will be impacted by proposed tax increases in the City's fiscal year 2004 budget, and advised that the budget needs scrutiny as it relates to senior citizens. She expressed concern with regard to the remarks of several citizens at the Monday, April 7 Council meeting in which it was reported that a dog was shot by a City Animal Control Officer, however, no referral was made by Council to the City Manager for report. (It was pointed out by a Member of Council that matters requiring referral under Hearing of Citizens are automatically referred to the City Manager for report.) She inquired if plans for Roanoke's fire stations, predominately those stations located in the black neighborhoods, will be presented as a part of the Council's fiscal year 2004 budget public hearing on Thursday, May 1, 2003, at 7:00 p.m., in the Exhibit Hall at the Roanoke Civic Center.

File #5-54-60-66-70-79

Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern with regard to the community in general and to the City of Roanoke as a whole. He stated that Council Members should serve on a full-time basis in order to fully understand the needs of the City. He referred to

"big city crime" in the City of Roanoke on a "small time" pay scale. He expressed concern with regard to the City Manager's recommendation to eliminate City work force jobs in order to balance the fiscal year 2004 budget, the plight of the poor and disadvantaged in Roanoke, and the need to create more job opportunities for the citizens of Roanoke which will lead to a decrease in crime.

File #5-60-132-184

Mr. Carl Cooper, 2001 Angus Road, N. W., advised that the Roanoke Neighborhood Partnership Steering Committee nominated Mr. Alan Gleiner to receive the Shining Star Award in recognition of his assistance in providing a permanent record of the visit of Mr. Ian Lockwood, a nationally recognized traffic consultant. He expressed appreciation to the City Manager for allowing City staff to work with the Neighborhood Partnership Steering Committee regarding the use and application of grants for training in connection with community needs.

File #80-184-236-488

AT 8:35 P.M., THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL THURSDAY, APRIL 24, 2003, AT 4:30 P.M., IN THE ROANOKE CITY COUNCIL CHAMBER, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR SIX INTERVIEWS FOR APPOINTMENTS TO THE ROANOKE CITY SCHOOL BOARD.